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Subject: Excerpts From the Private Discussions Regarding the Basic Rights of the Western Powers in Berlin

1. Discussions Aboard Plane, May 28, 1959

"Mr. Gromyko stated that the present situation in Berlin is unnatural. Berlin is an island surrounded by the territory of the GDR which has an entirely different regime from that existing in Berlin. Moreover, around West Berlin and Berlin are located Soviet troops and GDR forces, both the Soviet Union and the GDR being members of the Warsaw Pact. Now an island occupied by foreign troops -- those of the Western Powers -- located in the center of the GDR, created an unnatural situation. It was unnatural from the geographical point of view. Moreover, the present occupation regime in Berlin cannot be justified under present conditions. The Soviet Government recognizes that the Western Powers do have rights and that they have these rights under agreements to which the Soviet Union was a party. But fourteen years have elapsed and conditions have changed radically, including, among other things, the creation of two new sovereign states, namely, the GDR and also the FRG. To put it briefly, the occupation has outlived itself.... (Page 2)

"Mr. Gromyko noted that the Western Powers would ask whether West Berlin under the Soviet proposals would fall to the Soviet Union or to the GDR. The Soviets do not need West Berlin. As to the question of whether the GDR will change the regime in West Berlin, Mr. Gromyko's answer was an emphatic no. He stated that the GDR does not want West Berlin any more than does the Soviet Union. The Soviet Union, he stated, wants to negotiate with you and is prepared to give guarantees for the continued status of West Berlin. It is prepared to permit West Berlin to keep the same social order....(Page 3)

"Mr. de Murville asked what would come next if we reach an arrangement at Geneva. Will you make a peace treaty with the GDR even though we reach agreement on West Berlin. You have repeatedly said that if we do not agree to a German peace treaty, you would enter into a separate peace treaty with the GDR. Mr. Gromyko's reply was to state that if we reach agreement on West Berlin, we do not have to face a situation where the Soviet Union is not performing its obligations. In that event there will be no complications....(Pages 4 and 5)

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Gromyko's notes

"Mr. de Murville asked whether the GDR and the Soviet Union would make an agreement noting that the Soviet Union already has an agreement with the GDR (referring to the Bolz-Zorin letters). Mr. Gromyko noted that in the 1949 agreement the Soviet Union had undertaken certain obligations and that in its agreement with East Germany it reserved these obligations. Now the Soviet Union is proposing to make a new agreement with respect to these obligations. Mr. de Murville pressed his point, again asking whether the Soviet Union would make an agreement with the GDR and Mr. Gromyko answered vaguely that they would make some agreement. Mr. de Murville then asked why the Soviet Union desired to give up its obligations. Mr. Gromyko answered that the situation was outmoded. They were unable to explain this to the GDR and moreover there were Soviet troops in the vicinity..... (Page 5)

Mr. Lloyd:

"The real difficulty was with respect to Mr. Gromyko's second point, namely, that the time has now come to end the occupation of West Berlin. It is the position of the Western Powers that this can end only when we reunite Germany. Failure to agree on reunification means a continuance of the interim period. We cannot sacrifice our rights in Berlin unless and until there is some agreement on reunification. Mr. Lloyd said that it was hard to stomach Mr. Gromyko's statement that the time has come to end the occupation without any agreement on reunification. There is no real difference of views on the question of whether West Berlin should continue to maintain its existing social system on access, etc. But why go into the doctrine of ending the occupation status. Mr. de Murville noted that the juridical basis of occupation did harm to no one and it did not change anything. Mr. Gromyko's retort was to say that the Western Powers were asking for something for nothing. Mr. Lloyd said that the Western Powers would be glad to examine the causes of tension in Berlin and on access and want to satisfy the Soviet Union on these points. Mr. Gromyko inquired whether or not the Western Powers were interested in continuing the social order in Berlin. Why, otherwise, are troops of the Western Powers situated there. Messrs. Lloyd and de Murville interjected at this point that such troops were symbolic. Mr. Gromyko answered that in that event they were there to maintain social order..... (Pages 5 and 6)

"Secretary Herter returned to the point that Mr. Gromyko admits that we have rights and we should be able to make an adjustment within these rights.

"In answer, Mr. Gromyko noted that there are so many problems between us that we should not neglect an opportunity to solve this one. Mr. de Murville noted that we already agreed to discuss it. Mr. Gromyko's answer was to say that this can be a beginning. In answer to Mr. de Murville's question as to whether Gromyko had a draft of his Berlin statement, Mr. Gromyko replied that if understanding is reached, it will be easy to work out the details..... (Page 7)

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"Mr. Lloyd then commented that Mr. Gromyko said that the time had come to call off the agreements because they were outmoded. What assurance did the Western Powers have that, say in five or ten years, the Soviet Union would not say that the guarantees were outmoded.

We, said Mr. Lloyd, believe that agreements should be kept but the Soviet Union denounces them unilaterally. How do we know that you won't denounce these new agreements. Mr. Gromyko replied that if he were talking about unilateral action, he would not be discussing these matters in the plane.... (Pages 7 and 8)

"Mr. Herter noted that Mr. Gromyko must know, from reports from his Embassy in Washington, that there was a strong U. S. public opinion on the points at issue. The American people are not prepared to give up their rights unless something is gained in replacement of them. They are unanimous on that - all parties and all points of view in the United States and France. Mr. de Murville concurred in this statement. Secretary Herter then continued that accordingly we should seek to work out a solution in the framework of existing rights. Mr. de Murville noted that the existing situation does not harm anyone as far as the juridical situation is concerned. Mr. Gromyko replied that he could not distinguish the juridical situation from the facts. You have troops in Berlin.

Mr. McElroy noted that the Soviet Union had many troops in East Germany. In answer, to Mr. de Murville's question of what was meant by "symbolic" troops in West Berlin, Mr. Gromyko said that they were prepared to discuss this point. Mr. McElroy then sought to clarify the point as to whether or not Soviet troops would be included in those located in West Berlin assuming we were able to reach agreement on a symbolic number. Mr. Gromyko said that this would be the case only in West Berlin; East Berlin is in the GDR. Secretary Herter then asked about our rights with respect to greater Berlin and referred to the agreements that had been made in this regard. Mr. Gromyko asked how long such agreements were to continue in force. There had also been a Potsdam Agreement. He insisted that time had somehow changed the situation and that East Berlin was out of the picture. Mr. de Murville then commented that the Soviet Union could not, in that event, challenge the right of the Western Powers to give West Berlin to the GDR because that could be done on the same basis as that on which the Soviet Union purported to give East Berlin to the GDR. Mr. Gromyko's only answer was to insist that East Berlin was out of the question.... (Page 8)

"Mr. Lloyd said that Messrs. Gromyko and Khrushchev had mentioned rights of the Western Powers in West Berlin. What exactly did they mean by that. Mr. Gromyko replied that the situation had changed. Mr. Lloyd stated that the rights of the Western Powers stemmed from the defeat and occupation of Germany but Mr. Gromyko insisted that such rights were derived from agreements. Now the situation has changed. There are no

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longer ~~1961~~ occupation zones. There are two sovereign German states. Mr. Gromyko then went on to state that if the Western Powers are interested in keeping the social order in West Berlin, that will be guaranteed. After all, why are the Western troops in Berlin. They have no military importance. Messrs. de Murville and Lloyd noted that they were symbolic. Gromyko said that the Soviet Union was, although reluctantly, prepared to accept troops. Mr. Lloyd insisted that in 1964 the Soviet Union might well again say that the situation had changed and that the agreement of guarantee was outmoded.

"Secretary Herter inquired why the Western powers could not ask the Soviet Union to give up some of its rights and give the Western Powers more rights. Gromyko did not answer directly, but said that if the Western Powers wished a guarantee of troops in West Berlin, even though there was no need for them the Soviets would consider this, notwithstanding the fact that the situation was unnatural." (Page 9)

2. Private Meeting at Gromyko's Residence, May 30, 1959

Secretary: We won't give up our rights or our troops in West Berlin (for new agreement) and you can't deprive us of that. If you try no treaty with Soviets will ever mean anything.

We won't recognize DDR.

Within those limits we can work.

Gromyko: I'm talking, not taking unilateral actions..... (Page 1)

Secretary: Make progress if Gromyko carries on, admitting we have rights from war which we retain and within that framework discuss things you think are dangerous.

Gromyko: Your rights come from the war.

Secretary: Both our rights.

Gromyko: 14 years have passed.

Lloyd: Speaking for myself only:

If you look at this as business we want you to reaffirm our rights of access and rights of West Berliners to own life.

What I think you have a right to expect is that we reexamine situation in West Berlin to see if military or political threat to DDR.

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Lloyd (continued): If you reaffirm we look again at it.

Sure no threat to you!

UK will exchange these 2 things, we'll put into pool - no threat.

Gromyko: Can't separate military and political aspect. Occupation is political. Troops do it." (page 5)

3. Private Meeting at Gromyko's Residence, June 1, 1959

".....The Secretary then went on to say that on the main question we are prepared to talk within limits. These limits are, first, that we will not give up our rights, including the presence of our troops in Berlin, though it would be possible to talk about ceilings on them. Gromyko himself had agreed that they had no military significance. They were in Berlin as protection for the life of West Berlin. Secondly, the Secretary said we will not recognize the DDR. The third point is the question of access. On this we have an agreement with the Russians and Mr. Hertler said that he assumed from what Gromyko had said in recent days the Soviets did not intend to act unilaterally with respect to this agreement. Within these limits we are ready and anxious to talk with a view to reducing differences and tensions.

"Gromyko replied that there was constant repetition of the formula that the West would not give up its rights, but what was meant when they spoke of changes while retaining the rights. He pled for frankness.

"The Secretary said we have made a fair proposal for all of Berlin which is a property apart from either East or West Germany. The occupying powers in effect hold it in trust for a future reunited Germany. We have rights there which the Soviets admit. You have a responsibility in East Berlin. You admit that Germany should be united and Berlin established as its capital. Nevertheless you say that East Berlin is now the capital of the DDR and it is impermissible to talk about it. Gromyko replied that he had nothing to add to what he had already said concerning the Western all-Berlin proposal. East Berlin is not Soviet territory and the Soviets do not intend to reintroduce an occupation regime ... (page 4)

"Gromyko came back with the statement appear that the West would propose no of. They wanted their troops to remain and t. the access routes. He said, "You speak of actuality you want to gain further advantages

Couve said made it lin in fact. guarantees on wishes but in selves.'

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"Couve de Murville replied that we are seeking nothing. Gromyko had said that we sought no change and that was perfectly true. Until Germany can be reunified there was no reason why we should abandon our own rights and duties. West Berlin admittedly must remain sui generis until Germany was reunified. Why then should the three Western Powers abandon their position in this interim period? They had asked no new commitments. Nevertheless Gromyko seemed to desire to make some change but we were in the dark as to what it was or why. When we are told we will look at it. Meanwhile we are satisfied with the present access situation.

"Gromyko then attempted further to elicit from the French Foreign Minister what changes in the situation he visualized. He said that the situation of West Berlin was abnormal and could not be maintained; that the Soviets had come to Geneva to reach an understanding with us but that everything so far said by the West was vague and nebulous and the West's apparent satisfaction with the present situation was far removed from reality." (pages 5 and 6)

4. Private Meeting at Secretary Herter's Residence, June 3, 1959

"Mr. Hertler said he agreed we should not start with the commission until we knew what it was to do. The Soviet protocol was based on premises that were unacceptable since it would start by wiping out our rights. We had made plain that we could not have those rights extinguished unilaterally until there was agreement on the reunification of Germany. The framework had to be the rights that we now have. When Gromyko spoke of dangers we stated we were willing to talk about them. He said we also believed there were dangers to the people of West Berlin. If an agreement was carried out along the lines the Soviets proposed, we believed the people of West Berlin could be strangled. We had lived for some time with tensions--the present tensions that the Soviets had created. The position which the Western Powers had put forward today was a final one and we suggested that we start from this.

"Gromyko said Mr. Herter had used the words 'within the framework of our rights'. Could he give a definition of those rights?

"Mr. Herter said that the rights were clear and were part of the agreements we had with the Soviets. The elements of tension had been created by the Soviets saying they would turn over access routes to someone we did not recognize.

"Gromyko said that tension was created by the presence of Western troops..... (pages 3 and 4)

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"Gromyko said he would think the matter over and perhaps could formulate them more precisely. He said with respect to paragraph 5 of the Western paper there was no question and that he thought on this point an understanding had been reached. With respect to paragraph 1, he had made many statements about the Soviet position on rights and so had Mr. Khrushchev. The Soviet position was clear and he inquired why this was raised in written form. Would the West consider that an agreement already existed and whether procedures should be worked out. There was another alternative which was to put aside the question of rights so that it would not interfere with the making of concrete arrangements. He stressed that these were preliminary views.

"Mr. Herter said that the reason we attached importance to the reaffirmation of rights was that this question had arisen last November when the Soviets began by saying we had forfeited our rights by violating the Potsdam Agreement. Then, Mr. Khrushchev said we did have rights. We had been in some doubts until Gromyko now said these rights exist. It was, therefore, natural that we should raise the question.

"Gromyko said that we should not ask him to undersign rights of occupation in Berlin fourteen years after the end of the war. The Western logic was that "since you do not like the situation in Berlin, please confirm it.".....(page 7)

"Gromyko pointed out that he was being expected to undersign an agreement maintaining the occupation of Berlin, maintaining our troops in Berlin, and a provision for Greater Berlin. This did not constitute a proposition and he could almost assume it had been put forward to make him angry.

"Mr. Herter said quite solemnly that this was the very maximum to which the Western Powers could go and he was surprised that Mr. Gromyko had not been appreciative of this.

"Mr. Gromyko said he was sorry the Western Powers were so critical of the Soviet Protocol. He remarked that they considered the idea of a Commission was useful." (page 8)

5. Private Meeting at Couve de Murville's Residence, June 4, 1959, 3:30pm

"Couve inquired what Gromyko meant when he spoke of defining West Berlin. Did he refer to the limits of the city?

"Gromyko said he was not referring to the area but the regime there -- the number of troops, etc. He raised the question, making clear he was not making a proposal, as to whether, if there were some kind of agreed paper, we might just lay aside the question of rights and say nothing about them either in a positive or negative way.

"Mr. Herter said Gromyko must realize the history of the question which explained why we had raised the question of rights. The Soviets had once said that we had lost them. He inquired how the world would know that the Soviets still recognized those rights? Would it be from the Leipzig Speech of Mr. Khrushchev?

"Gromyko suggested that it would be possible not to involve this element in any eventual paper. Such an item could involve difficulties. The Soviets did not like an occupational regime, the Western Powers did.

"Mr. Herter said there was another reason why rights should be discussed. In the exchange of notes that had taken place, the Soviets spoke of turning over the protection of Western rights to someone else without our knowing whether that someone would protect our rights. Agreement had been reached yesterday on the Fifth Point, that is, that the agreement would remain valid until reunification. Suppose this took some years. Would the Soviets again raise the question of rights?

"Gromyko replied he had said several times that the agreement would last until reunification.

"Lloyd asked if it was going to be raised every six months from now onward.

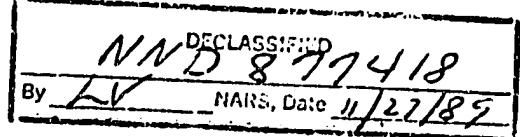
"Gromyko said this was an abstract discussion because the character of the arrangements was not known. The social order that exists in West Berlin would continue. The Eastern and Western positions were different. The Soviets considered the occupation regime outlived and the Western Powers said they had rights. Why not then talk about arrangements. The Western proposal on troops was no improvement although the Western Powers had earlier talked about making improvements..... (pages 2 and 3)

"The Secretary said that he thought that at this point we could only put down on paper we were agreed that the present situation should remain until the reunification of Germany. Gromyko inquired as to what situation and said that the Soviets did not agree on the continuation of the present situation..... (page 6)

"Mr. Lloyd said it was necessary to fit the picture together bit by bit.

"Mr. Gromyko rejoined that we were talking about two totally different regimes for West Berlin, one a free city and the other a city under continued occupation. We must agree on the main question of what the status of West Berlin is to be and how the aspect of military occupation will be solved..... (page 6)

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"Couve de Murville continued that the Soviets are asking for a change in the status of the city and yet want the question of our rights put to one side.

"Gromyko replied that his proposal was to replace the occupation status of West Berlin and convert it into a free city.

"The Secretary said that Mr. Gromyko knows that we will not sign an agreement to make Berlin a free city and that we will not give up our rights. We have made, however, proposals concerning troop limitation and illegal activities but the Soviets remain unsatisfied. What is wrong with our proposals for stopping illegal activities on a reciprocal basis?

"Gromyko failed to answer directly.....(pages 7 and 8)

6. Private Meeting at Couve de Murville's Residence, June 4, 1959, 8:15 p.m.

"The Secretary inquired who first broke the Potsdam Agreement and Gromyko replied that it would be a waste of time to argue points of past history. He said that the Soviets admit that the West have rights but that fourteen years have passed and there are now two states in Germany, which creates a changed situation.

"The Secretary inquired directly if legal rights expire with time and Gromyko replied, 'yes'." ... (page 3).

"Gromyko said he saw no sign of any concession in what we had said. On troops we were merely abandoning what we do not now have and we were asking him to countersign our occupation regime. He then asked as a question, what would we say to an agreement which said nothing on our rights.

"Lloyd replied that if the Soviets agreed not to question any such arrangements for six months or some other brief period, that was one thing. On the other hand if they agreed that any such arrangements were valid until Germany was reunified, that was another.

"Gromyko asked why we could not discuss arrangements now and further asked what was wrong with avoiding any invocation of our rights but merely agree on arrangements.

"Couve said that our difficulty is perfectly clear and of Soviet creation. He said the Soviets have disputed our rights and in fact in the note of November 27 had declared them null and void. This statement had not been repeated by Mr. Gromyko at Geneva who had contented himself with saying that the Soviets do not like the present situation without disputing

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our legal position. Nevertheless the Soviets had originally raised the question of our rights in their notes and we are left wondering what would happen in the future.

"Gromyko said we have so far reached no agreement on arrangements and suggested that that is what should be done.

"Mr. Lloyd said that it was the Soviets who had sowed the seeds of doubts which now grew in our minds. Gromyko rejoined the doubts are not justified.

"Mr. Lloyd added that we had thought the 1949 agreement was good but now the Soviets challenged it.

"Gromyko said that he realized we were worried about our rights, 'but let us eliminate them from the picture.'

"The Secretary noted that if we say nothing of our rights, would not the Soviets assume that we have given them up? He said that they had been challenged by the Soviets and their notes had denied their continued existence. He asked if the Soviets would publicly acknowledge our rights in a form, for example, such as Mr. Khrushchev had done in his Leipzig speech.

"Gromyko said that he suggested this question of rights be set to one side and agreement reached on arrangements.

"Couve reminded Gromyko that the Soviet Government had spoken of concluding a separate peace treaty with the DDR thereby extinguishing our rights. This posed an obvious problem for us.

"Gromyko answered that the peace treaty was another matter and that if we reach agreement on arrangements for West Berlin then each state involved in the agreement will continue to fulfill its obligations. ... (pages 4-5).

"The Secretary then said to Gromyko, 'I would like to ask you if we were to sign a satisfactory agreement with no mention of our rights would you consider that we had given up all our rights?'

"Gromyko turned aside the question by asking why it was being raised and referring to the fact that he had suggested that in any agreement there be neither any positive or negative indication with respect to our rights.

"The Secretary said this would leave us in a position where we did not know where we stood. We might say we had maintained our rights and the

Soviets would claim we had abandoned them. He then asked if our old agreements would still stand, to which Gromyko replied that they would not be involved.

"Couve then said in other words our old agreements would stand if they had not been renounced.

"Mr. Merchant then asked Mr. Gromyko as a hypothetical question what public reply the Soviet Government would make if, having reached an agreement on West Berlin making no mention of our rights, the three Western Governments were to declare concurrently with the agreement or immediately afterwards that the Soviets had acknowledged that we were legally in Berlin and had not disputed our rights of presence there and access.

"Gromyko asked why anyone should say anything about rights since they would not be involved in the agreement and that it would be contrary to our agreement to mention them.

"Both Mr. Lloyd and Secretary Herter pushed him on this point, pointing out that it would be impossible not to answer publicly questions concerning the status of our rights and noting that we had Khrushchev's public statement that we were legally in West Berlin. Gromyko kept insisting that the agreement would require that there be no mention of rights.

"The Secretary said that it would be impossible for him to go home and face the Congress without being able to say exactly where our rights stood and Mr. McElroy noted that the challenge to our rights was the whole cause of the controversy and the reason for our presence in Geneva.

"Mr. Gromyko was reminded that the Soviet note of November 27 had declared our rights null and void, to which he replied that we had given too narrow an interpretation to the language of the Soviet notes.

"The Secretary said that the main question to be settled was the question of our rights and their acknowledgment.

"Gromyko countered by saying that the main question was the presence of Western troops in West Berlin. "... (pages 7-8).

7. Private Meeting at Mr. Lloyd's Residence, June 6, 1959.

"Mr. Herter began by raising the question of how Western rights would be affected by any agreement regarding Berlin. There were many arrangements involved in previous agreements and it would be necessary to develop our ideas about them. We could not see how any agreement could be reached here

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unless we knew where we stood on these rights.

"Gromyko remarked that he stood on what he had said previously, that in the Soviet viewpoint the question of rights should not be involved in any agreement. The Soviets felt that the primary problem was to consider the character of the agreement. There were questions involving the status of West Berlin and the level of Western troops there. The Western side had talked about improvements in the situation but had not made any concrete suggestions.

"Lloyd said that the Western attitude had been put forth in the Five Points contained in our talking paper. It was our view that the arrangements agreed upon would continue until reunification. Gromyko's position was that the status of West Berlin should be completely changed. He has been told that we cannot accept this. There must be something we can agree on. He had said some favorable things about our paragraph 3 but had made no constructive suggestions. He had wished to talk about the access problem but had made no suggestions as to how present arrangements might be improved. We were willing to accept a ceiling arrangement in order to improve things.

"Gromyko said that what Lloyd was saying went no further than the exchange the other day. There was no improvement. On the contrary, it represented a backward step in some respects. The Soviets could not accept point 1 of our proposals -- that did not improve the situation. As to Western requests that he change his position, the Soviet proposals were just ones and should be acceptable. If the other powers did not like the fact that their proposals had not been accepted by him, what did they have in mind? The paper of 5 points was not realistic. What the Soviets were interested in hearing were not nominal proposals, not words or papers, but good, realistic proposals." ... (pages 1-2).

"Gromyko ... recalled that Mr. Herter had mentioned improvements with regard to the problem of access but he himself had no clear idea as to what modifications were being suggested. He did see something in paragraph 4 of the Western talking paper but it was not possible to deal with this problem until the main subject was dealt with -- that is, the status of the city and the presence of troops there. No algebraic formula such as indicated in Mr. Herter's speech yesterday would really help the situation. The problem was to deal with the substance." ... (page 2).

"... The real objective was to reach some agreement. Mr. Herter had talked about rights. The Soviets felt their position that the matter of rights should not be involved in an agreement was the correct one. It represented a way out for them and for us. With regard to recognition of the GDR, this was not important although he could not agree with the Western position on the matter.

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"As to the condition related to access, this would be disposed of if we reached agreement on the access problem.

"Mr. Herter said that Gromyko had forgotten that the question of the GDR involved a difference between us as to what constituted recognition. The Soviets had threatened to turn over their responsibilities directly to the East Germans and thus oblige us to deal directly with the latter. We did not feel that this was an unimportant problem. Since the Soviets wanted to turn over their rights to the GDR, would Gromyko want to put on paper or should we attempt to put on paper just what the situation would be as a result of this change?

"Gromyko remarked that the rights of the GDR follow from the fact of its existence. It is an international entity. This should clarify the question. Mr. Herter has said he is interested in access. This matter depends on what kind of West Berlin exists." ... (pages 3-4).

"Gromyko remarked that on the question of how to deal with the problem of rights, we should think over the Soviet position and would find it beneficial to all.

"Lloyd said Gromyko in a press conference statement on March 19 had said he did agree we had rights in Berlin. Gromyko said he was not aware he had said this and he would like to see a Russian translation.

"Lloyd corrected himself and said it was Khrushchev who had made the speech -- which was just as good.

"Gromyko remarked that these were just speeches.

"Lloyd said the point he wanted clarified was whether it was the Soviet view that our rights would be extinguished by the signing of a peace treaty with the GDR.

"Mr. Herter added that we might, for purposes of clarification, make the assumption that there would be no agreement reached here. Would Gromyko take the position that we still had our rights in Berlin?

"Gromyko said one thing they would agree was that if there were no agreement they would get out of Berlin.

"Herter asked whether this meant they would take the position that we had no rights there.

"Gromyko said that it would be better not to involve the question of rights. This would be more in our interest.

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"Couve said we all wanted agreement but a bad agreement would be worse than no agreement at all. It would be bad to have an agreement based on misunderstanding -- on the concept that they should keep their ideas and we should keep ours.

"Mr. Herter asked Gromyko if it was his assumption that if we all agreed on three or four points which would ameliorate the present situation we would no longer have rights under the agreement.

"Gromyko replied that they proposed to leave out the matter of rights entirely and that this would be in our interest. They would carry out the agreement itself.

"Lloyd interrupted to ask whether they would carry it out until re-unification of Germany.

"Gromyko replied that they would do so in accordance with the terms of the agreement.

"Couve asked if there were agreement that changed certain matters, would what was not changed remain?

"Gromyko declared that they did not propose any negative decisions on rights. Lloyd asked whether this meant they would not make a separate peace treaty with the GDR.

"Gromyko replied this was a different matter.

"Lloyd pointed out the Soviets had always maintained that a separate peace treaty would extinguish our rights in Berlin.

"Gromyko said if agreement on Berlin were reached, they would carry it out to the latter whether or not agreement were reached on any of the other problems facing us.

"Lloyd asked whether this meant they would not make a negative peace treaty.

"Gromyko repeated that this was a different question. If agreement were reached, it would be fulfilled in accordance with its provisions. They did not intend to propose using earlier agreements, such as the 1945 agreement. They had more reason to doubt our intentions than we theirs.

"Lloyd said the matter might be thought over again. They had said that they would not make a negative peace treaty but on the other hand had

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always maintained that a separate peace treaty would extinguish our rights.

"Gromyko said he could not prescribe our interpretation. Khrushchev had plainly laid out Soviet thinking on the Berlin problem. There were two possibilities open. The first was to conclude a peace treaty. The second was to consider the Berlin problem separately and reach agreement.

"Mr. Herter said what Gromyko was saying was that if their former allies did not want to conclude a peace treaty, they would sign one themselves with the GDR and once this was signed, their former allies would lose their rights under all the statutes and agreements with them.

"Lloyd said we were trying to get Gromyko to explain that he would not make a negative statement about our rights.

"Gromyko said he was talking about their willingness not to press for any negative position in the agreement. They would carry out their obligation under the agreement, if one were reached on Berlin, regardless of any other agreements or problems.

"Lloyd asked, if the Soviets did not want any positive or any negative statement of our rights to be included in the agreement, whether the rights remain undetermined from their point of view.

"Gromyko responded with the statement that they did not suggest abolishing previous agreements nor did they take a negative position on our rights.

"Lloyd asked whether if a satisfactory arrangement to last until reunification were agreed upon, a peace treaty would extinguish the Western rights in Berlin.

"Gromyko remarked that without knowing the character of any agreement that might be reached he was not in a position to discuss contingencies. Whether or not other problems were solved, the Soviets would carry out their undertakings with regard to Berlin.

"Mr. Herter asked whether Gromyko would be willing to have what was contained in previous agreements in a new agreement.

"Gromyko asked why the question arose.

"Mr. Herter said it could be considered that an agreement liquidated commitments made in previous agreements.

"Gromyko said that there had been tons and tons of agreements and it would be difficult to know what was contained in them.

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"Lloyd remarked that we had agreements on a number of things regarding Berlin, such as trade controls and the like, and we wanted to know where we stood. This was really a point of substance which Mr. Gromyko should think over -- that is, the extent to which we would be required to reaffirm old agreements.

"Gromyko said that the Berlin problem must be the matter of a separate agreement. Why do we raise the question of Soviet fulfillment?

"Mr. Herter said we were not questioning fulfillment, we wanted simply to know just what an agreement would mean. We did not want any interpretation to arise that we had agreed to an extinction of our rights.

"Lloyd said this would clearly be the wrong interpretation.

"Herter remarked that we seemed to be going backward rather than moving forward toward an understanding. We were being asked to agree that there be no mention of our rights, but Gromyko would not say what would happen to previous agreements. Apparently one could be eliminated while another could remain in force.

"Gromyko replied they could have another concept about the whole matter.

"Lloyd remarked that Gromyko would not reaffirm the Western rights nor would he say they did not possess them. There was a real problem of substance. Apart from the juridical rights there were practical rights resulting from previous agreements which had to be considered.

"Gromyko stated they did not want to put forward any negative position.

"Couve said Gromyko wanted no mention of rights in the agreement. We were concerned about our rights. Could Mr. Gromyko say here that we did have these rights?

"Gromyko replied that we were taking the view that because they did not agree to mention of rights in the agreement, they were against our rights.

"Couve said Gromyko just was not saying yes about our rights. That gave us reason to suspect Soviet intentions.

"Gromyko said Couve was raising another concept, one involving a questioning of the validity and importance of an agreement between us regarding Berlin. The Soviets took the problem of an agreement seriously but they were not sure we did.

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"Lloyd said that it would be helpful if Gromyko would say why they did not want to reaffirm our rights.

"Gromyko replied this could be an indication that we were not sure ourselves about the rights of the occupation if we wanted them reaffirmed.

"Lloyd referred to Mr. Herter's question as to whether a new agreement would abrogate all existing agreements. There were at least a dozen agreements between us (Mr. Herter interjected the statement that they had all been reaffirmed in 1949.) on Berlin. Were they still valid?

"Couve said the real problem for us was that an agreement should be on the basis of our existing rights, but not in substitution for them. If a new agreement were reached, would all that was not changed in this agreement remain unchanged as far as the Soviets are concerned?

"Gromyko said they were not proposing that any previous agreements be abolished or their validity limited in any new agreement. We took the view that our rights were lost thereby. They did not say this.

"Couve asked whether Gromyko was saying that our interpretation was a false one. Lloyd asked whether it were a wrong one.

"Gromyko said that they had stated their position. They had tried to be helpful. If they followed our example and talked about morals, no progress would be made.

"Mr. Herter said there were only two alternative interpretations open to us. Either our rights would be lost by a new agreement or a new agreement would be a supplement to our rights. Gromyko had said that the second interpretation was wrong. This left only the first one.

"Lloyd said the English word 'rights' had two aspects. One was our basic right to be in Berlin which the Soviets did not want to approve. The other embraced practical rights flowing from contractual agreements -- such things, for example, as how many trains might be sent to Berlin each day, etc. Did Gromyko object to our right of occupation or our rights under contractual agreements?

"Gromyko said they favored no mention of rights at all in order to meet our position. He said that he had gained the impression from this meeting that the two sides might be working under different concepts. They wanted an agreement to be reached which would be fulfilled to the letter. We had raised the question as to whether in six months they would fulfill what they had put their signature to. He had good grounds to be angry about this.

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"Mr. Herter said Gromyko had no right to accuse us of questioning their good faith. We were concerned that they had declared that our rights could be extinguished unilaterally by the signing of a separate peace treaty with the GDR.

"Gromyko observed that they were not sure that we would not raise the question six months from now as to whether or not the agreement was valid.

"Mr. Herter remarked that as they said that our rights could be abolished six months from now, we had every right to know how they felt about them now.

"Gromyko said what he was saying was that he just couldn't confirm our rights.

"Lloyd suggested that this point be worked out on paper.

"Mr. Herter said that we could not reach agreement without an understanding on this point. If the agreement did not mention our rights, if the Soviets did not affirm our rights, which they say they cannot do, what was the alternative?

"Gromyko said the alternative was neither to increase nor decrease rights.

"Lloyd asked whether our rights remained.

"Gromyko replied that he did not say no.

"Lloyd came back to say Gromyko had not said yes.

"Gromyko then said that all provisions of any agreement would be fully carried out.

"Lloyd said that there were 10 or 12 agreements involved with regard to Berlin. Gromyko had said that our rights should not be increased or diminished. But he had not said yes or no with regard to these rights.

"Gromyko remarked that he had not said no.

"Couve asked whether that meant that he said yes.

"Gromyko said that this was only our interpretation. The Soviets took the matter of agreement seriously and hoped that we did as well. Our remarks did not reassure him.

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"Harter then referred again to Khrushchev's statement about a separate peace treaty. Gromyko said that he had explained their position but would do so again. There are two ways for them to deal with the problem. If there were no negotiations and no settlement between us on the Berlin problem, then they would be left with the alternative of solving it through a peace treaty. On the other hand, they wanted to negotiate a separate Berlin agreement as part of reaching an understanding with us and they would fulfill this agreement regardless of whether or not any of our other problems were settled.
... (pages 8, 9, 10, 11, 12 and 13).

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